

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE) Docket No. 18 C 7686
LION AIR FLIGHT JT 610 CRASH) and related cases
This Document Relates To:) Chicago, Illinois
Docket No. 19 C 1932 and) January 22, 2020
Docket No. 19 C 1992) 9:18 a.m.

TRANSCRIPT OF PROCEEDINGS - Motion Hearing
BEFORE THE HONORABLE THOMAS M. DURKIN

APPEARANCES:

For the Defendant: MR. DANIEL T. BURLEY
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1 (In open court.)

2 THE CLERK: 18 C 7686, In re Lion Air Flight 610.

3 THE COURT: Good morning.

4 MR. BURLEY: Good morning, your Honor. Dan Burley for
5 The Boeing Company.

6 THE COURT: All right. Do you expect plaintiffs'
7 counsel to be here?

8 MR. BURLEY: I have not heard from them, your Honor,
9 so I don't expect them.

10 THE COURT: Why don't we -- who -- I know there are a
11 variety of plaintiff counsel.

12 MR. BURLEY: Yes.

13 THE COURT: The two settlements up today involve --

14 MR. BURLEY: Both of them involve the Podhurst firm,
15 your Honor.

16 THE COURT: Yeah, the -- Steven Marks. Now, they're
17 down in Miami. They never called to say they wanted to be on
18 the call.

19 The proposed orders they submitted asked for the
20 approval of the settlement, which is fine. I don't need to
21 approve settlements in this case. But apparently it's Boeing's
22 position that if there are minors involved, you want a court
23 approval?

24 MR. BURLEY: Yes, your Honor.

25 THE COURT: All right. And is that even required?

1 MR. BURLEY: I -- I believe the local rules when it
2 comes to minor settlements ask for judicial approval.

3 THE COURT: All right. I'm not familiar with that,
4 but if that's -- I'll check that after we're done with court
5 today.

6 But the proposed order they sent says: "The Motion
7 for Approval of Settlement is GRANTED. The settlement
8 allocation for the Minors as detailed in the closing statement
9 is hereby approved."

10 The only document I received for each of the two
11 proposed settlements is a settlement for the full amount,
12 stating what the full amount is that Boeing's paying. I have
13 no closing statement talking about the allocation, for
14 instance, between in this case the -- the widower, the husband
15 of the deceased in the case of Ms. Dewi, and any children.
16 Similarly, in the case involving Ms. Manik, I have no
17 indication of what the closing statement shows as to the
18 allocation with the minors.

19 Have you seen those proposed orders?

20 MR. BURLEY: I have not, your Honor.

21 THE COURT: I can't sign such an order because I don't
22 know what the proposed allocation is. There's no closing
23 statement attached to it.

24 Is Boeing's position that there does not need to be
25 any judicial approval for settlements involving simply a family

1 member that doesn't involve minor children?

2 MR. BURLEY: That's correct, your Honor.

3 THE COURT: Okay. All right.

4 Because I received a number of other settlement
5 papers, about eight or nine of them, yesterday.

6 MR. BURLEY: Yes, from the Herrmann firm. I believe
7 they filed --

8 THE COURT: Did any --

9 MR. BURLEY: -- eleven.

10 THE COURT: -- of those involve children?

11 MR. BURLEY: A few may have, your Honor.

12 THE COURT: All right. They asked me to approve it
13 without a court hearing, without any court appearance. And it
14 sounds like, once again, I have -- on those, I don't even have
15 settlement amounts, let alone knowing what the allocation is
16 for minors.

17 MR. BURLEY: Mm-hmm.

18 THE COURT: So if the approval requires me to consider
19 what the allocation is -- which I frankly don't think I'm
20 required to. But if it does require it, I don't have the
21 necessary documents.

22 So if you want to call the Marks firm and --

23 MR. BURLEY: Sure.

24 THE COURT: -- find out -- you know, their proposed
25 order can't be signed because I can't sign off on an allocation

1 to minors when there's no closing statement telling me what
2 that allocation is.

3 MR. BURLEY: And, your Honor, just to clarify, you
4 received a closing statement, but it didn't break out --

5 THE COURT: No.

6 MR. BURLEY: -- the settlement based on --

7 THE COURT: I'll show you -- I'll have my courtroom
8 deputy show you this. It has two letters from the Podhurst
9 firm to their client --

10 (Document tendered to counsel.)

11 THE COURT: -- saying Boeing has approved -- Boeing is
12 going to pay X amount of money, nothing indicating how it's
13 going to be allocated between the husband or wife of the
14 deceased and the children.

15 MR. BURLEY: Okay.

16 THE COURT: So unless you see something there I
17 don't -- and I know you're more familiar with these papers than
18 I am -- I don't see how I can proceed otherwise.

19 MR. BURLEY: Okay. So we should go back to the
20 Podhurst firm and clarify, ask them to send you a more detailed
21 closing statement that --

22 THE COURT: Yeah, and --

23 MR. BURLEY: -- lays out the settlement allocation for
24 the minors.

25 THE COURT: Do you have the local rule there? I'd

1 like to --

2 MR. BURLEY: Sure.

3 THE COURT: Why don't you -- if you have it -- if you
4 can pull it up -- I can pull it up on the computer, but if you
5 happen to have it, I would like to have it read, and I'd like
6 to talk about that with you. I know we're -- we have no
7 counsel for plaintiffs here, but I'd like to --

8 MR. BURLEY: Sure.

9 THE COURT: -- know what I'm approving on some of
10 these. So if you've got it, great.

11 MR. BURLEY: Your Honor, I apologize. I don't have
12 the local rule --

13 THE COURT: All right.

14 MR. BURLEY: -- on me.

15 THE COURT: I'll look it up after I'm off the bench.
16 But you can communicate with the Podhurst firm --

17 MR. BURLEY: Yes.

18 THE COURT: -- and say if they want me to approve an
19 allocation, I need to see what the allocation is.

20 MR. BURLEY: Okay.

21 THE COURT: If they simply want me to approve the
22 overall amount of the settlement, I'm happy to do that.

23 In the settlements I've received from the other firm
24 that were filed yesterday, I don't even have amounts.

25 MR. BURLEY: Okay.

1 THE COURT: So I don't know how I'm -- how I'm
2 supposed to approve it if I don't have the amounts.

3 MR. BURLEY: Understood, your Honor. We'll clarify
4 with the plaintiffs' firms.

5 THE COURT: All right. What's the status of the
6 overall settlements?

7 There are how many people who died in the crash?

8 MR. BURLEY: Sure. Well --

9 THE COURT: That have filed suits.

10 MR. BURLEY: -- we believe most have. I don't know
11 the number who haven't.

12 THE COURT: All right.

13 MR. BURLEY: Mediations are ongoing. There's actually
14 mediations as we speak. We had our mediations in early January
15 as well. Some were successful. I'm not personally involved
16 with the mediations, so I don't know the exact number. But
17 we're in active settlement discussions with firms.

18 THE COURT: Are we back in on an overall status on
19 this case soon?

20 MR. BURLEY: I believe -- the 28th of February, I
21 believe.

22 THE COURT: Okay. Well, I'll continue to take these
23 settlements as they come in. Eventually there will be people
24 that aren't going to settle, and I'm going to have to deal with
25 the -- any motion that's going to be filed relating to *forum*

1 *non conveniens*.

2 Okay. If I could have that back, the papers we gave
3 you.

4 MR. BURLEY: Oh, yes, yes. And thank you, your Honor.

5 THE COURT: If you want to communicate with your
6 opponent --

7 MR. BURLEY: Here you go.

8 (Document tendered to the Court.)

9 THE COURT: -- on these two and let them know what we
10 just talked about, I'd appreciate it.

11 MR. BURLEY: Okay. Thank you very much, your Honor.

12 THE COURT: All right. Thank you.

13 And I think in the future on these motions where
14 people are just filing them for settlement, they need to notice
15 them up.

16 MR. BURLEY: Yes, your Honor.

17 THE COURT: They need to come to court. And if I have
18 questions like I did today, I want to ask them and have them
19 answered. So if people want -- if they want me to approve
20 settlements and if that's a condition of Boeing's agreement to
21 making payments, they need to come to court, notice it up so
22 that I can review the amounts and actually consider what the
23 amounts are.

24 Most cases settle without my intervention. I -- I
25 just get voluntary dismissals. But if it's Boeing's position

1 they need to have a court approval for any settlements
2 involving minors, then those settlements need to be noticed up.

3 MR. BURLEY: Understood, your Honor.

4 THE COURT: Great. Thank you very much.

5 MR. BURLEY: Thank you very much.

6 THE COURT: Okay.

7 (Concluded at 9:25 a.m.)

8 C E R T I F I C A T E

9 I certify that the foregoing is a correct transcript of the
10 record of proceedings in the above-entitled matter.

11
12 /s/ LAURA R. RENKE
13 LAURA R. RENKE, CSR, RDR, CRR
14 Official Court Reporter
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January 29, 2020